

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 25, 35, and 37 have been cancelled without prejudice.

Claims 18, 26, 29, and 36 are currently being amended.

Claims 38-46 are being added. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 18-24, 26-34, 36, and 38-46 are now pending in this application.

1. Rejection of Claims 18-20, 22-25, 27-31, 33, 34, and 36 Under 35 U.S.C. § 103(a)

In section 1 of the Office Action, claims 18-20, 22-25, 27-31, 33, 34, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kraft (U.S. Patent No. 6,463,278) in view of Helms (U.S. Patent No. 5,952,992).

Independent Claim 18

Applicants submit that one of ordinary skill in the art would not have been motivated to combine the teachings of Helms with the teachings of Kraft to arrive at the subject matter of independent claim 18. Independent claim 18 has been amended and recites a combination including, among other elements, “a plurality of light sensors configured to convert ambient light into signals to be received by the computing electronics,” “wherein the computing electronics are

configured to generate a conditioned based on the signals received from the plurality of light sensors.”

The Examiner acknowledged that Kraft fails to disclose a plurality of light sensors. The Examiner relied on Helms for a teaching of a plurality of light sensors in stating that

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the automatic brightness controlling techniques of Helms with the phone system of Kraft et al. in order to provide the computing electronics with a better representation of ambient light levels directed towards the device by supplying the electronics with multiple samples derived from the multiple sensors.

Applicants respectfully disagree, and submit that one of ordinary skill in the art would not have been motivated to modify the telephone having a single light sensor of Kraft to include a second light detector such as the second photodetector of Helms to arrive at the subject matter of claim 18 because of the technical difficulties of such a modification. Handheld devices are subject to space constraints not associated with laptops and other less portable devices, such that the structure of handheld devices is typically more complex than that of laptop computers and the operation of handheld devices can often be confusing to users. One of ordinary skill in the art would not be motivated to further increase the complexity of the structure of the device of Kraft and add to the confusion of users of the device by adding an additional photodetector as is taught by Helms. The user experience associated with handheld computers is already more challenging than that of laptops due to space constraints such as a reduced keyboard, display screen, etc., such that adding a plurality of light sensors would only further complicate an already complicated device.

Accordingly, Applicants submit that one of ordinary skill in the art would not have combined the teachings of Kraft and Helms to arrive at the subject matter of claim 18. Withdrawal of the rejection of independent claim 18, and corresponding dependent claims 19, 20, 22-24, 27, and 28, is respectfully requested.

Independent Claims 29 and 36

Independent claim 29 has been amended to recite a combination including, among other limitations, “computing electronics [that] are configured to adjust a characteristic of the handheld computer based on signals from the light sensor,” “wherein the characteristic comprises a brightness behind [a] plurality of input buttons [in fixed positions relative to the display].”

The Examiner acknowledged, in rejecting former dependent claim 35, that neither Kraft nor Helms discloses, teaches, or suggests adjusting a brightness behind a plurality of input buttons. Independent claim 29 has been amended to recite the limitations of former claim 35, and further to recite that the input buttons are in fixed positions relative to the display.

In rejecting former dependent claim 35, the Examiner relied on Dutta (U.S. Patent Appl. Publ. No. 2002/0163524) in stating that “the touchscreen of Dutta is seen as inherently comprising buttons defined on the touchscreen and which are therefore also backlight adjustable with the display screen since they are a part of the display screen.” However, Dutta does not disclose that the input buttons are “in fixed positions relative to the display,” as recited in independent claim 29, as amended. Accordingly, independent claim 29 is believed to be patentable over the cited references.

Independent claim 36 has been amended in a similar manner to independent claim 29, and recites a combination including, among other limitations, “computing electronics [that] are configured to adjust [a brightness behind at least one input key in a fixed position relative to the display] based on signals from the light sensor.” Independent claim 36 is believed to be patentable over the cited references for at least the same reasons that independent claim 29 is patentable.

Accordingly, withdrawal of the rejection of independent claims 29 and 36, and corresponding dependent claims 27-28, 30-31, 33, and 34, is respectfully requested.

2. Rejection of Claims 21, 26, 32, 35, and 37 Under 35 U.S.C. § 103(a)

In section 2 of the Office Action, claims 21, 26, 32, 35, and 37 were rejected as being unpatentable over Kraft in view of Helms and further in view of Dutta (U.S. Patent Appl. Publ. No. 2002/0163524). Claims 35 and 37 have been cancelled. Claims 21, 26, and 32 variously depend from independent claims 18 and 29, which are believed to be patentable over Kraft and Helms. Dutta does not cure the deficiencies of Kraft and Helms with respect to claims 18 and 29, from which claims 21, 26, and 32 variously depend. Accordingly, claims 21, 26, and 32 are believed to be patentable over the cited combination of references. Withdrawal of the rejection of dependent claims 21, 26, and 32 is respectfully requested.

3. New Claims

Applicants have added new claims 38-46 to provided claims of varying scope. New claims 38-46 variously depend from independent claims 18, 29, and 36, and are believed to be allowable therewith for at least those reasons discussed above.

4. Statement of Substance of Interview

In accordance with 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview on March 27, 2008, between Examiner Antonio A. Caschera and attorneys Matthew J. Swietlik and Steven C. Becker, regarding the present application. This statement is being submitted within one (1) month of the mailing date of March 31, 2008, of the Interview Summary and is therefore a timely response.

During the interview, the Examiner and Applicant's attorneys discussed the combination of the references cited in the currently pending office action (i.e., Kraft (U.S. Patent No. 6,463,278), Helms (U.S. Patent No. 5,952,992), and Dutta (U.S. Patent Appl. Publ. No. 2002/0163524)), potential amendments to claim 18 related to the rejection under 35 U.S.C. § 103(a), and potential amendments to claims 25 and 26 related to the rejection under 35 U.S.C. § 103(a). No agreement was reached as to the patentability of the claims.

5. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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